PHIL 327 / LS 351: “Philosophy of Law”
Fall 2018. Sec. 02, Mondays 6:30pm-9:20pm in EV3 4408

Professor: Brian Orend, Dept. of Philosophy
HH 327; Tel. x. 32776; bdorend@uwaterloo.ca
Office Hours: TBA in class

1. COURSE DESCRIPTION: The law is filled with fascinating issues which raise deep philosophical perplexity. The philosophy of law is usually taught doctrinally, by examining various “-isms” offering big picture perspectives on the nature and function of law in general. This course, by contrast, will be taught by examining different kinds of law, and using them to bring case study focus on more abstract questions. (E.g.: constitutional law for issues of legitimacy and authority; criminal law for issues of responsibility and punishment; intellectual property law for issues of ownership and who should benefit from such.) In doing so, the sense of The Big Doctrines (like natural law theory, positivism, and legal realism) becomes more vividly understood.

2. METHOD: The method by which this course will proceed is through lectures and readings. A/V material will be used, and there is a LEARN site for the course—it will be used for detailed lecture slides and course administration.

3. TEXT: There is no required text for the course beyond the lecture slides. I have, however, placed on Course Reserves at Dana Porter Library some standard “intro to philosophy of law” volumes, for possible interest. Every lecture, I will mention in the slides some of the standard texts in the field we’re covering, if you’re further interested.

4. REQUIREMENTS: There are three requirements for this senior-level course: 1) one in-class mid-term exam, worth 30%; 2) one final paper, due at term’s end, worth 40%; and 3) one take-home final exam, worth 30%.

5. COURSE SCHEDULE: (subject to minor revisions regarding content)

Week 1 (09/10) - Introduction & Administration. What is the law, and why should we obey it? Intro to Natural Law versus Positivism

Week 2 (09/17) - Constitutional Law: Authority & Legitimacy

Week 3 (09/24) - (Domestic) Criminal Law: Responsibility & Punishment

Week 4 (10/01) - (Domestic) Rights #1: Judicial Review, Democracy and the recent legalization of MAID.

Week 5 (10/08) - ** NO CLASS ** (Holiday: Thanksgiving/Fall Break)

Week 6 (10/15) - review for mid-term. Domestic Rights #2 & Contract Law: Online Privacy & Clicking “Accept”

Week 7 (10/22) ** Mid-Term Test ** (More as date approaches: an in-class, closed-book, written exam)
Week 8 (10/29)  - Intellectual Property #1: Copyrights & Trademarks

Week 9 (11/05)  - Intellectual Property #2: Patents & Trade Secrets

Week 10 (11/12)  - International Law #1: In general, and Human Rights Law in particular

Week 11 (11/19)  - International Law #2: International Criminal Law (feat. War Crimes Trials)


**Week 13 (12/03)**  **Last Day of Class**. Critical Legal Theory/ “CLS,” Part #2

**Final paper is due, in class, on 12/03**. The paper will be a 15-20 page, double-spaced (excluding notes), essay on some philosophy of law issue (materially related to our course content). More as the date draws closer.

**Hand Out of Take-Home Final Exam on 12/03**, which will be due as a Word attachment into my Inbox (above) by 12 noon on Wed., Dec. 12th. More as date draws closer.

6. Required University Policy Declarations: Note on avoidance of academic offences: All students registered in the courses of the Faculty of Arts are expected to know what constitutes academic integrity, to avoid committing academic offences, and to take responsibility for their actions. When the commission of an offence is established, disciplinary penalties will be imposed in accord with Policy #71 (Student Academic Discipline). For information on categories of offences and types of penalties, students are directed to consult the summary of Policy #71 which is supplied in the Undergraduate Calendar (section 1; on the Web at http://www.ucalendar.uwaterloo.ca/UW/policies.html). If you need help in learning what constitutes an academic offence; how to avoid offences such as plagiarism, cheating, and double submission; how to follow appropriate rules with respect to “group work” and collaboration; or if you need clarification of aspects of the discipline policy, ask your TA and/or your course instructor for guidance. Other resources regarding the discipline policy are your academic advisor and the Undergraduate Associate Dean. Note for students with disabilities: AccessAbility, located in Needles Hall, Room 1132, collaborates with all academic departments to arrange appropriate accommodations for students with disabilities without compromising the academic integrity of the curriculum. If you require academic accommodations to lessen the impact of your disability, please register with AccessAbility at the beginning of each academic term.